

**REMARKS**

The present application was filed on April 19, 2001 with claims 1 through 60. Claims 1 through 60 are presently pending in the above-identified patent application. Claims 1, 15, 24, 26, 27, and 51-55 are proposed to be amended and claim 25 is proposed to be cancelled, without prejudice, herein.

In the Office Action, the Examiner rejected claims 1-15 under 35 U.S.C. §101 because the claims fail to recite any post-solution activity, and objected to claims 51-55 due to indicated informalities. The Examiner also rejected claim 24 under 35 U.S.C. §102(e) as being anticipated by Sabournin et al. (United States Patent Number 6,073,099; hereinafter, Sabournin). The Examiner indicated that claims 16-23 and 25-50 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Formal Objections

Claims 51-55 were objected to since a system, in terms of patentability, is a method or an apparatus. Claims 51-55 have been amended to address the Examiner's concerns and Applicants respectfully request that the cited claim objections be withdrawn.

Section 101 Rejections

Claims 1-15 were rejected under 35 U.S.C. §101 because the claims fail to recite any post-solution activity.

Claims 1 and 15 have been amended to require that the matrix is configured for speech recognition. Thus, independent claims 1 and 15 recite a post-solution activity and Applicants submit that each of claims 1-15 are in full compliance with 35 U.S.C. §101, and accordingly, respectfully request that the rejection under 35 U.S.C. §101 be withdrawn.

Independent Claim 24

Independent claim 24 was rejected under 35 U.S.C. §102(e) as being anticipated by Sabournin et al. Regarding claim 24, the Examiner asserts that Sabournin discloses a "confusability tool that generates a confusability cost associated with two phonemic transcription (abstract) with the ability of generating a metric of the likelihood of confusing two words" (col. 1, lines 37-39).

Applicants note that the Examiner has indicated that dependent claim 25 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Independent claim 24 has been amended to incorporate the limitations of claim 25.

5 Thus, Sabournin et al. do not disclose or suggest wherein step (b) further comprises the step of determining an acoustic perplexity by using the confusabilities, as required by independent claim 24, as amended.

Dependent Claims 2-14, 16-23, 25-45, 47-50, 53, 54, 58 and 59

10 The dependent claims were not rejected under either 35 U.S.C. §102 or under 35 U.S.C. §103. Claims 2-14, 16-23, 25-45, 47-50, 53-54, and 58-59 are dependent on claims 1, 15, 24, 46, 52, and 57, respectively, and are therefore patentably distinguished over Sabournin et al. because of their dependency from amended independent claims 1, 15, 24, 46, 52, and 57 for the reasons set forth above, as well as other elements these claims add in combination to their base claim. The Examiner has  
15 already indicated that claims 16-23 and 25-50 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Dependent claim 25 is proposed to be cancelled, without prejudice.

All of the pending claims following entry of the amendments, i.e., claims 1-24 and 26-60, are in condition for allowance and such favorable action is earnestly  
20 solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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